
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JIM SHERIDAN,*Plaintiff,*

v.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,***Defendant.*§
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§**CIVIL ACTION NO. 1:18-CV-300****ORDER OVERRULING OBJECTIONS AND ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

The Plaintiff requests judicial review of a final decision of the Commissioner of Social Security Administration with respect to his application for disability-based benefits. This matter has been referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge submitted a report recommending that the decision of the Commissioner be affirmed. The court has considered the report and recommendation filed on August 30, 2019 (Doc. No. 14), and the Plaintiff's objections (Doc. No. 21). The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. See Fed. R. Civ. P. 72(b). After careful consideration, the court concludes that the Plaintiff's objections are without merit. Therefore, the court **ACCEPTS** the magistrate judge's recommendation, **OVERRULES** the Plaintiff's objections, and **AFFIRMS** the Commissioner's denial of benefits.

Plaintiff objects to the magistrate judge's determination that the ALJ properly considered

the Plaintiff's impairments and the medial examiners' opinions, and asserts that the ALJ substituted his opinions as medical evidence, resulting in an erroneous residual functional capacity determination. He further objects to the vocational expert's testimony, the ALJ's determination that Plaintiff can return to his past relevant work, and asserts that the ALJ failed to establish the existence of other work available in significant number which Plaintiff can perform. The magistrate judge correctly determined that substantial evidence supports the ALJ's treatment of Sheridan's severe impairments and took into consideration the effect, or lack of effect, they had on his residual functional capacity. The magistrate judge correctly examined the ALJ's severity standards, the treatment of the medical evidence, the testimony in the record, and the ALJ's determination that Plaintiff could return to his past relevant work.

The court concludes that the magistrate judge correctly identified and discussed the points of error argued by plaintiff and analyzed the points correctly. The magistrate judge properly examined the entire record to determine that substantial evidence supports the administrative law judge's assessments and determinations and the Commissioner's denial of benefits.

Accordingly, all of the Plaintiffs objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 17th day of September, 2019.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE